


2. Also transmitted herewith are declarations of Scott S. Servilla and Geoffrey Trigger. Scott S. Servilla is the assignee Howmedica Osteonics Corporation's patent attorney. Mr. Servilla's declaration demonstrates that he mailed the present declaration to Scott Sherman at his last known address which he customarily receives mail, 5456 Meadowlake Drive South, Apartment 4, Memphis, TN 38115-2236, but that this mail was returned to sender because Mr. Sherman had moved and his new address was unknown. Mr. Trigger's declaration demonstrates that Scott Sherman could not be found or reached after diligent effort.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: July 10, 2003

Respectfully submitted,

By 
Scott S. Servilla
Registration No.: 40,806
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorneys for Applicant

SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Finn et al

Application No.: 08/988,331

Filed: December 11, 1997

For: UNIVERSAL COUPLER FOR SPINAL
FIXATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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:
:
:
:
: Group Art Unit: 3731
:
: Examiner: J. W. Woo

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JUL 18 2003

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SUBMISSION OF EXECUTED DECLARATIONS UNDER 37 C.F.R. §1.47 (a)

Sir:

The present application was filed on December 11, 1997, as a Re-Issue of Patent 5,474,551. In response to the Official Action mailed on April 17, 2003 for the present application, applicant hereby encloses a statutory declaration executed by one of the two inventors. The second joint inventor could be found or reached after diligent effort to sign the statutory declaration. Also enclosed is a declaration under Rules 47(a), 64 and 1.175 by the one signing inventor on behalf of the second joint inventor who cannot be found or reached after diligent effort. In addition, enclosed are declarations by Scott Servilla and Geoffrey Trigger, setting forth the facts concerning the diligent efforts to find or reach Scott Sherman to obtain execution of the statutory declaration, a Petition Pursuant to Rules 47(a), 64 and 1.175; the petition fee pursuant to Rule 1/17 (h); and an extension petition and accompanying fee.

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OFFICE OF PETITIONS

Application No.: 08/988,331

SPINE 3.0-1968 RE
(PATENT)

It is respectfully submitted that the present submission under Rules 47(a), 64 and 175 is necessary to preserve the rights of Stryker Spine S.A., an assignee of the present application. It is further submitted that these papers meet the requirements of Rules 47 (a), 64 and 175 and that the statutory declaration and declarations under Rules 47(a), 64 and 175 should be accepted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Please charge Deposit Account No. 12/1095 in the amount of \$130.00 to cover petition fee under Rule 1.17(h). If there are any additional fees, please charge then to Deposit Account No. 12-1095.

Dated: July 10, 2003

Respectfully submitted,

By 

Scott S. Servilla
Registration No.: 40,806
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorneys for Applicant



Docket No.: SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Finn et al

Application No. 08/988,331

Filed: December 11, 1997

For: UNIVERSAL COUPLER FOR SPINAL
FIXATION

```

:
:
: Group Art Unit:  3731
:
: Examiner:  J. W. Woo

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SUPPLEMENTAL DECLARATION OF CHARLES A. FINN AND SCOTT SHERMAN
PURSUANT TO 37 C.F.R. § 1.63, 1.171 AND 1.175(a)

Sir:

We, Charles A. Finn and Scott Sherman, further
declare that:

1. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

2. We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

Application No. 09/133,419

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/3/03
Date


CHARLES A. FINN

Date

SCOTT SHERMAN



Docket No.: SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
Finn et al :
Application No. 08/988,331 :
Filed: December 11, 1997 :
For: UNIVERSAL COUPLER FOR SPINAL :
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X

: Group Art Unit: 3731
: Examiner: Not Yet
: Assigned

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TECHNOLOGY CENTER R3700

SUPPLEMENTAL DECLARATION OF CHARLES A. FINN
PURSUANT TO 37 C.F.R. §§ 1.63, 1.171 AND 1.175(a)

Sir:

I, Charles A. Finn, further declare that:

1. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

2. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

Application No. 09/133,419

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/22/03
Date

Charles A. Finn
CHARLES A. FINN

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage for First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 10, 2003

Signature: SSS

(Scott S. Servilla)

SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Patent Application of:
Finn et al

Application No.: 08/988,331

: Group Art Unit: 3731

Filed: December 11, 1997

: Examiner: J. W. Woo

For: UNIVERSAL COUPLER FOR SPINAL
FIXATION

Commissioner for Patents
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Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

DECLARATION OF SCOTT S. SERVILLA

Sir:

I, Scott S. Servilla, declare and say that:

1. I am a registered patent attorney in the United States and am an employee of the law firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP on the filing and prosecution of the above-captioned patent application on behalf of an assignee, Stryker Spine, S.A.

2. When the original application was filed on November 18, 1994, one of the inventors, Scott Sherman, was employed by Smith & Nephew. His mailing address at the time of filing the original application was 6515 Chadwick Cv, Horn Lake, Mississippi 38637-2061.

3. On May 12, 2003, I contacted the Law Department of Smith & Nephew and learned that Scott Sherman no longer works for Smith & Nephew.

4. On May 22, 2003, I asked our firm's Law Librarian, Geoffrey Trigger, to locate Scott Sherman. The actions of Geoffrey Trigger are detailed in his declaration.

5. On May 23, 2003, I mailed an original supplemental declaration via certified U.S. mail, article number 7001 2510 0002 1502 7971, to the last known address of Scott Sherman. A true copy of my letter forwarding the declaration to Mr. Sherman is annexed hereto as Exhibit A.

6. The U.S. Postal Service attempted delivery on May 27, 2003, and a notice was left at the address. The tracking information from the U.S. Postal Service website, attached as Exhibit B indicates that letter enclosing the declaration was accepted on June 3, 2003, in Memphis, TN. However, I have not received a copy of the signed declaration from Mr. Sherman as of this date. In addition, after phone conversations with the U.S. Postal Service personnel, I have not been able to determine if Scott Sherman signed for the certified mail document enclosing the declaration. Furthermore, I have not been able to find or reach Scott Sherman via telephone to determine if he received the declaration for his signature. I enclose as Exhibit B, true copies of tracking information from the U.S. Postal Service website.

7. I never received the executed Declaration from Mr. Scott Sherman.


8. After diligent effort, I have not been able to find or reach Scott Sherman.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: July 10, 2003

Respectfully submitted,

By 
Scott S. Servilla
Registration No.: 40,806
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 10, 2003

Signature: _____

(Scott S. Servilla)

SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Finn et al

Application No.: 08/988,331

Filed: December 11, 1997

For: UNIVERSAL COUPLER FOR SPINAL
FIXATION

:
:
:
:
: Group Art Unit: 3731
:
: Examiner: J. W. Woo
:
:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GEOFFREY TRIGGER

Sir:

I, Geoffrey Trigger, herby declare and say that:

1. On May 22, 2003, I conducted a search, via the Internet, using search engines Yahoo, People Finder, Google, and Lexis/Nexis. I discovered the last known address for Mr. Sherman, and the address for his previous wife, Beth Sherman. I enclose as Exhibit C, true copies of my searches for Scott Sherman.

2. Beth Sherman was contacted on May 22, 2003, and a telephonic message was left for her requesting further information. I did not receive a response. I enclose as Exhibit D, a true copy of an E-mail communication detailing these facts.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and

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further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: July 10, 2003

Respectfully submitted,

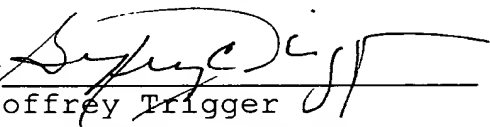
By 
Geoffrey Trigger
Law Library Director
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000

Exhibit A

LAW OFFICES

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP

SIDNEY DAVID
JOSEPH S. LITTENBERG
ARNOLD H. KRUMHOLZ
WILLIAM L. MENTLIK
JOHN R. NELSON
ROY H. WEPNER
STEPHEN B. GOLDMAN
CHARLES P. KENNEDY
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KEITH E. GILMAN
ROBERT B. COHEN
MICHAEL H. TESCHNER
GREGORY S. GEWIRTZ
JONATHAN A. DAVID
SHAWN P. FOLEY*
JEFFREY S. DICKEY
STEPHEN F. ROTH

*NORTH CAROLINA BAR ONLY
*NEW YORK BAR ONLY
*MASSACHUSETTS AND
ILLINOIS BARS ONLY
*CALIFORNIA BAR ONLY

Via Certified Mail

Article 7001 2510 0002 1502 7971

Mr. Scott Sherman

5456 Meadowlake Drive South

Apartment 4

Memphis, TN 38115-2236

600 SOUTH AVENUE WEST
WESTFIELD, NEW JERSEY 07090-1497

(908) 654-5000

FAX: (908) 654-7866

www.ldlkm.com

PATENTS, TRADEMARKS AND COPYRIGHTS

Writer's Direct Dial:

908-518-6388

E-mail: sservilla@ldlkm.com

May 23, 2003

THOMAS M. PALISI
MICHAEL J. DOHERTY
MATTHEW B. OERNIER
FRANK J. CHESKY
MICHAEL D. BRAUNSTEIN
SCOTT E. CHARNEY
LAWRENCE E. RUSS
APRIL M. MAYO
KONSTANTIN A. CAPLOON
ORVILLE R. COCKINGS
PERRY M. FONSECA
RAYMOND GARGUILO
STEVEN A. GARNER*
SAMANTHA M. KAMEROS
COREY M. WILLIAMS
DOUGLAS T. HUDSON*
RUSSELL W. FAEGENBURG*
DARYL K. NEFF
SCOTT S. SERVILLA

OF COUNSEL
LAWRENCE I. LERNER
DANIEL H. BOBIS
RAYMOND W. AUGUSTIN
HARVEY L. COHEN
GLEN M. DIEHL
JAMES M. HALL*
JOHN P. MALDJIAN
GERARD P. NORTON*

PATENT AGENT
ANDREW T. ZIDEL

Re: SPINE 3.0-1968 RE
Application No 08/988,331
Universal Coupler For Spinal Fixation
Your Ref. No.: PC 1968 RE

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OCT 27 2004

OFFICE OF PETITIONS

Dear Mr. Sherman:

I enclose a Supplemental Declaration for your signature in the reissue of your United States Patent Number 5,474,551. Please sign this document and return the same to us in the enclosed overnight delivery envelope as soon as possible. We must submit this Declaration in response to a requirement by the United States Patent and Trademark Office.

I appreciate your cooperation in this matter. Should you have any questions, please feel free to call me.

Sincerely,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

SCOTT S. SERVILLA

SSS/kj

Enclosure

cc: Mr. Curtis Hall

Mr. Greg Plaskon

432403_1.DOC

Docket No.: SPINE 3.0-1968 RE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	:
Finn et al	:
	: Group Art Unit: 3731
Application No. 08/988,331	:
	: Examiner: Not Yet
Filed: December 11, 1997	: Assigned
	:
For: UNIVERSAL COUPLER FOR SPINAL	:
FIXATION	:
	X

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION OF SCOTT SHERMAN
PURSUANT TO 37 C.F.R. §§ 1.63, 1.171 AND 1.175(a)

Sir:

I, Scott Sherman, further declare that:

1. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

2. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

Application No. 09/133,419

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

SCOTT SHERMAN

From: KERRY JOHNSON (908)518-6449
LDLKM, LLP
600 SOUTH AVE. WEST
WESTFIELD, NJ, 07090

REVENUE BARCODE



FedEx.

To: Scott Servilla (908)654-5000
LDLKM
600 South Avenue West

SHIP DATE: 23MAY03
WEIGHT: 1 LBS

Westfield, NJ, 070901497

Ref: SPINE 3.0-1968 RE (2650)



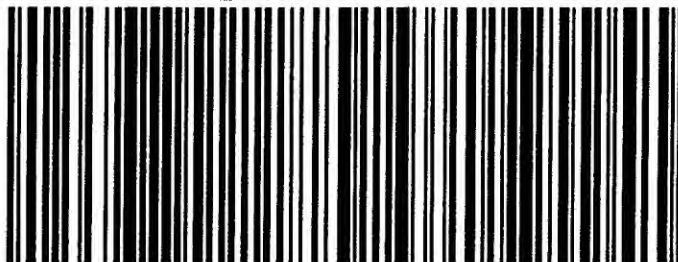
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TRK # 7902 9834 2599 6281

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Spine 3.0-1968
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Exhibit C

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PERSON LOCATOR - P-SEEK

Name: SHERMAN, SCOTT (MALE)

Social Security Number: 413-06-XXXX

Consumer Name Last Updated: 10/26/1997

Address:

5456 MEADOWLAKE DR S APT 4
MEMPHIS, TN 38115-2236
Address Type: HIGH-RISE/APARTMENT
Address Created: 10/12/1996
Address Updated: 4/13/1999

(901) 726-9139

Previous Addresses:

6515 CHADWICK CV
HORN LAKE, MS 38637-2061
Address Type: SINGLE FAMILY
Address Created: 3/1/1992
Address Updated: 10/26/1997

875 ENFIELD RD # 1
MEMPHIS, TN 38116-7089
Address Type: SINGLE FAMILY
Address Created: 9/8/1996
Address Updated: 9/8/1996

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Birthdate: 1963

On File Since: 12/12/1995

Date Vendor Record Last Updated: 10/26/1997

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PERSON LOCATOR - P-TRAK

Name: SHERMAN , GARY SCOTT

Also Known As:

SHERMAN, GARY S; SHERMAN, SCOTT

Social Security Number: 413-06-XXXX

Address:

6515 CHADWICK CV
HORN LAKE, MS 38637-2061
Address Updated: 2/1/1993

Previous Addresses:

571 BUCK STREET
MEMPHIS, TN 38111-6703
Address Updated: 11/1/1990

695 LOEB STREET
MEMPHIS, TN 38111-7516
Address Updated: 11/13/2000

Birthdate: 6/1963

Telephone: 272-1249

On File Since: 8/1/1984

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Your Search: **Scott Sherman** ([Revise Search](#))

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Name	Address	Phone
Scott Sherman (More info at US Search)	3823 Oakley Ave Memphis, TN Add to Address Book, Map	(901) 323-2919

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PERSON LOCATOR - P-TRAK

Name: SHERMAN, PAMELA B

Social Security Number: 587-39-XXXX

Address:

331 225
WARSAW, IN 46582-8088
Address Updated: 1/15/2002

Previous Addresses:

6515 CHADWICK CV
HORN LAKE, MS 38637-2061
Address Updated: 6/1/1993

571 BUCK STREET
MEMPHIS, TN 38111-6703
Address Updated: 12/1/1990

695 LOEB STREET
MEMPHIS, TN 38111-7516
Address Updated: 11/13/2000

Birthdate: 7/1966

Telephone: 342-7950

In File Since: 9/1/1989

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Name	Address	Phone
Elizabeth A Bumgardner (More info at US Search)	263 Range Rd Kings Mountain, NC Add to Address Book , Map	(704) 739-7531

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- [Background Check](#) B. Bumgardner ([Locate](#))
- [Instant Criminal Report](#) Bet Bumgardner ([Locate](#))

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First Name:

Beth

Last Name:

Bumgardner

Street:

City/Town:

State:

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PERSON LOCATOR - P-TRAK

Name: BUMGARDNER, BETH ANN

Also Known As:

SHERMAN, BETH A

Social Security Number: 315-62-XXXX

Address:

200 60TH

WARSAW, IN 46580

Address Updated: 4/1/2000

Previous Addresses:

1692 CO RD 200 N LOT 60 GREE APT. 98

WARSAW, IN 46580

Address Updated: 8/1/1998

RR 7

WARSAW, IN 46580

Address Updated: 11/13/2000

(219) (574)

Telephone: 268-9238

On File Since: 12/1/1982



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Search Information:

Searched terms: "Bumgardner, Beth, Warsaw, IN"

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1 Result

Bumgardner, Michael & Beth

1692 E 200th N
Warsaw, IN 46582
(574) 268-9238

» 1 / 1

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[Map this location](#)

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Contact Information

Scott Sherman
6515 Chadwick Cove
Horn Lake, MS
38637

Phone: 601-342-7950

email: webmaster@alphaz.com

Work Experience

<u>Smith & Nephew</u> <u>Orthopaedics</u>	9 years orthopaedic design experience 4 years orthopaedic manufacturing experience
11/86 to present	Current position: Manufacturing Engineer II
Alpha-Z	Owner and Webmaster
5/97 to present	

Education

BSET University of Memphis, cum laude

Special skills

- Highly experienced with computer hardware and software
 - Strong project management skills from 13 years experience
 - Highly developed 3-D design and evaluation capabilities
 - Strong knowledge of design for manufacture
 - Trained in sterile field knowledge for surgery and clean rooms
 - Process flow and product design expertise
-

Merits

- ☒ Co-inventor of U.S. patent #5474551 universal coupling device for spinal Implantation
- ☒ Webmaster for Alpha-Z
- ☒ << this is a Picasso Trigger Fish, I used to have one that grew to nearly 8 inches before he died. I miss Pablo and this is my ode to the only fish I ever owned with a good personality. (I get a lot of email asking about this animation)

9257

Last updated: 06/10/02


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Yahoo! People Search

White Pages Search Results

Your Search: **Scott Sherman** ([Revise Search](#))

Showing 1 - 1 of 1

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Name	Address	Phone
Scott Pam Sherman (More info at US Search)	6515 Chadwick Cv Walls, MS Add to Address Book , Map	(662) 342-7950

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Public Records Search

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- [PeopleLocate](#) Scott Sherman ([Locate](#))
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Exhibit D

Johnson, Kerry

From: Trigger, Geoffrey
Sent: Thursday, May 22, 2003 12:49 PM
To: Servilla, Scott S
Cc: Johnson, Kerry
Subject: Scott Sherman Investigation

SSS,

The search to find a current address and telephone number for Scott Sherman, formerly located in Horn Lake, Mississippi, conducted on May 15th included:

1) Internet search using Yahoo, People Finder, and Google, Advance Search on name and location; Located webpage at <http://www.alphaz.com>.

Website identified wife as Beth Sherman.

2) LEXIS/NEXIS search in database: AllFind (All records), Property Records, Judgement & Liens, Public Records, Corporate Records.

Located record in LEXIS/NEXIS' P-SEEK (last address update: 4/13/1999) indicating Mr. Sherman moved to 5456 Meadowlake Dr. S., Apt. 4, Memphis, TN., no telephone number listed, call to local directory information listed number for a Mr. Scott Sherman as, (901) 726-9139 and left message, no response.

Located additional address in Memphis for Mr. Scott Sherman, 3823 Oakley Ave., Memphis, TN., telephone (901) 323-2919. Called on 5/22/03 left message.

3) May 15 search for Beth Sherman located record in Warsaw, IN. telephone number disconnected.

4) May 22, 2003 search on LEXIS/NEXIS P-Track for Beth Sherman records located address in Warsaw, IN. telephone (574) 268-9238. Called left message requesting information.

GCT.

Geoffrey Trigger
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090
Tel. (908) 654-5000; Fax (908) 654-7866
gtrigger@ldlkm.com

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